

# Exhibit A

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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HEATHER KIERNAN,

Complainant,

v.

Civil Action

No. 10131MLW

ARMORED MOTOR SERVICES OF

AMERICA, INC.,

Respondent.

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DEPOSITION OF JASON J. KHOURY

March 2, 2005

10:10 a.m.

Gillette Corporation

One Gillette Park

South Boston, Massachusetts

Reporter: Karen A. Interbartolo, RPR

1 APPEARANCES:

2  
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\*Original exhibits retained by Mr. McLeod.

P R O C E E D I N G S

JASON J. KHOURY

having been satisfactorily identified and duly sworn by the Notary Public, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MCLEOD:

Q. Could you state your name for the record?

A. Jason Khoury.

Q. Mr. Khoury, my name is Bill McLeod. I represent Heather Kiernan in a case that she's brought against Armored Motor Services of America and Francesco Ciambriello.

I'm going to be asking you some questions today. You're under oath. You need to give me verbal answers. The court reporter can't take down shakes of the head or anything like that.

You're going to have an opportunity to review your deposition transcript and make whatever changes. Is that something that you'd like to do?

A. Yes.

1 Q. who let the people in the door?

2 A. It would have been the dispatcher in the  
3 vault or operations manager in the vault at that time  
4 would have had to buzz them in.

5 Q. And that would have been videotaped, right?

6 A. Yes, it would have.

7 Q. And the people leaving that day would have  
8 also been videotaped?

9 A. Yes.

10 Q. Where were they physically in the building  
11 when they were viewing the tapes?

12 A. In the video room.

13 Q. Which is that really small room you were  
14 testifying about before?

15 A. The real tiny room near the manager's room,  
16 yes.

17 Q. You said about three people could fit in  
18 there, right?

19 A. Very tight, yes.

20 Q. How many people were in there?

21 A. Eddie, the DA, and the other attorney, three.

22 Q. The DA, was it a male or female?

23 A. Male.

24 Q. And was he physically carrying the tapes

1 when -- was he carrying the tapes in his hand or did he  
2 have them in his hand when he arrived?

3 A. Somebody had an envelope with them, a manila  
4 envelope, yes. I don't know who was carrying them.

5 Q. Were they little cassettes?

6 A. No, big VHS cassettes.

7 Q. How many tapes were there?

8 A. Three. I think there were there.

9 Q. But the police had left with six?

10 A. Yes.

11 Q. And how long were they there viewing the  
12 tapes?

13 A. Maybe a half hour.

14 Q. Were there any other meetings or discussions  
15 or anything like that at the time?

16 A. Other than saying hello to them and good-bye,  
17 Eddie O'Brien brought them in, viewed the tapes, and  
18 escorted them out and left with them. So there was no  
19 meeting, no.

20 Q. Left with them who?

21 A. Ardito and the district attorney.

22 Q. They all left at the same time?

23 A. Yes.

24 Q. Neither Ardito nor the district attorney hung

1 around?

2 A. No.

3 Q. And Mr. O'Brien didn't hang around?

4 A. I don't think so, no.

5 Q. And was anything left behind that you can  
6 recall?

7 A. No.

8 Q. When they left the building, would they have  
9 had to have signed out?

10 A. No.

11 Q. How long were they there?

12 A. About a half hour.

13 Q. And at some point did you come to learn that  
14 tapes were missing?

15 A. Yes.

16 Q. How soon after that day?

17 A. I want to say maybe like a month after or a  
18 couple of weeks or so.

19 Q. How did you come to learn they were missing?

20 A. I got a phone call from someone, whether it  
21 was Doug Wilson or Eddie O'Brien. Somebody called me.  
22 I don't remember who. It might have even been the  
23 detective. I don't know -- Yes, it was. I'm sorry. I  
24 remember him calling asking if I had the tapes. And I